KAMALA D. HARRIS Attorney General of California 2 GLORIA A. BARRIOS Supervising Deputy Attorney General 3 MATTHEW A. KING Deputy Attorney General State Bar No. 265691 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 5 Telephone: (213) 897-7446 6 Facsimile: (213) 897-2804 Attorneys for Complainant 7 BEFORE THE 8 **BOARD OF REGISTERED NURSING** DEPARTMENT OF CONSUMER AFFAIRS 9 STATE OF CALIFORNIA 10 2012-38 In the Matter of the Accusation Against: Case No. 11 REMEDIOS NEBRES PRADO, a.k.a. 12 REMEDIOS L. NEBRES 16144 Talbot Court ACCUSATION 13 Chino Hills, CA 91709 14 Registered Nurse License No. 196914 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her 20 official capacity as the Executive Officer of the Board of Registered Nursing (Board), 21 Department of Consumer Affairs. 22 On or about March 31, 1969, the Board issued Registered Nurse License Number 2. 23 196914 to Remedios Nebres Prado, a.k.a. Remedios L. Nebres (Respondent). The Registered 24 Nurse License was in full force and effect at all times relevant to the charges brought herein and 25 will expire on October 31, 2012, unless renewed. 26 /// 27 /// 28

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it. "
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 7. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration of the license.

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Falsification of Medical Records)

9. Respondent is subject to disciplinary action under Code section 2761, subdivisions (a)
and (d), for unprofessional conduct in that Respondent falsified patient medical records. On or
about December 17, 2008, the California Department of Health Care Services (DHCS) conducted
a three-day audit of Delta Hospice (Delta) of Chino, California, where Respondent occupied the
position of Director of Nursing until Delta terminated her on December 23, 2008. Delta Hospice
could not produce patient L.M.'s first admission records for the treatment period covering May
22, 2007 to June 8, 2007. Instead of informing DHCS of the loss, Respondent pulled L.M.'s
second admission records and generated a new set of patient records. Respondent was able to do
this by copying the consent form from the second admission chart and backdating the record to
reflect when Delta first admitted L.M. For records that contained signatures of physicians or
other medical providers, Respondent made a photocopy of the records and used corrective fluid to
alter dates. For records requiring only Respondent's signature, Respondent originated new
records and signed and dated them. She copied social worker notes from the second admission
chart onto the first admission record. Then she turned over the records to DHCS, whose auditors
subsequently questioned Delta and Respondent about the source of the records. Respondent
confessed to DHCS auditors that she fabricated the records.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1.1. Revoking or suspending Registered Nurse License Number 196914, issued to Remedios Nebres Prado, a.k.a. Remedios L. Nebres;
- 1.2. Ordering Remedios Nebres Prado to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 1.3. Taking such other and further action as is deemed necessary and proper.

DATED:	July,	2011
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LOUISE R. BAILEY, M.ED., RN

Executive Officer

Board of Registered Nursing

State of California

Complainant